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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,114	10/03/2001	Ana H. von Klopp	16159.005001;P5565	1417

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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/970,114	KLOPP ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20021209*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This case has been reassigned to a new examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. Claims 1-25 have multiple deficiencies within the specification that would prevent one of ordinary skill in the art from implementing the invention with any degree of success. With reference to claim 1, the Examiner finds no support in the specification for *a debugging controller which controls an execution mode of the server*. The Examiner cannot ascertain how the debugging controller would control an execution mode of the server. The Examiner is unable to understand what Applicant means by *an execution mode of the server*. The Examiner does not grasp what Applicant means by the term *replay request* or how a replay request can be run and/or modified before it is "replayed." The Examiner finds no support for a *request player* or modification of *replay requests* within the specification, and has little concept of how Applicant has implemented said functionality. In reference to claim 4, as Applicant has not explained the *execution mode* in the specification, the Examiner cannot understand *wherein the execution mode is normal*, or how to relate this to claim 2 in which *wherein the execution mode is debugging*. In reference to claim 5, the Examiner finds no support for a *debugging controller determin[ing] the execution mode using information gathered...* and cannot see how one of ordinary skill in the art would implement such functionality based upon the current disclosure. In regard to claim 6, the Examiner finds no support for *the request player modifies the replay requests prior to the server*

interpreting the replay requests in the specification, does not understand exactly what Applicant is claiming, and needs to have a clearer claim and disclosure explaining what is going on in this portion of the system. In general, the claimed system seems to be directed toward a debugger capable of analyzing HTTP requests, but the Examiner is unclear from the specification how exactly the two would merge or work in tandem with each other.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers et al. (U.S. Patent No. 6,804,814).

7. In regard to claim 1, Ayers discloses a system of collecting data, debugging the data, altering commands and "replaying" said commands, and displaying the commands to be replayed. Ayers fails to specifically disclose using HTTP transactions. However, HTTP transactions are well known in the art and are a common type of instruction used in a system that receives and sends commands. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to use the Ayers invention in many types of coding environments, including environments involving HTTP transactions. See Ayers, column 1, lines 50-65, column 2, lines 14-31, column 2, lines 47-60, column 3, lines 17-64, column 5, lines 44-55, column 6, lines 42-64, column 11, lines 21-48, figure 1.

8. In regard to claim 2, Ayers is applied as in claim 1. Ayers further discloses using a data trace (column 2, line 5) which implies that *the execution mode is debugging.*

9. In regard to claim 3, Ayers is applied as in claim 2. Ayers further discloses *a debugger accessed by the server.* The data trace described in column 2, line 5 is such a debugger.

10. In regard to claim 4, Ayers is applied as in claim 1. Ayers allows data to run normally before the trace. This would be *the execution mode is normal.*

11. In regard to claim 5, Ayers is applied as in claim 1. Ayers allows a user to alter information recorded in a data trace to assist in debugging. (column 10, lines 39-54, column 11, lines 3-35). This is *the debugging controller determines the execution mode using information gathered by a graphical user interface (GUI) and an integrated development environment (IDE).*

12. In regard to claim 6, Ayers is applied as in claim 1. Ayers further discloses *the request player modifies the replay requests prior to the server interpreting the replay requests.* The data trace in Ayers allows the values of variables to be modified before being run in the simulator again. (column 9, lines 39-43).

13. In regard to claims 7 and 8, Ayers is applied as in claim 6. Ayers further discloses *the request player comprises a process which uses a hook in the server to intercept the replay requests in order to modify the replay requests.* Ayers discloses (column 8, line 64 – column 9, line 3) the use of breakpoints in the data trace to calculate values at a certain point in the program execution. Specifically in regard to claim 8, Ayers does not disclose the *hook* (breakpoint) would be in use in a server plug-in, but since plug-ins were so well known and widely used in the networking art at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a plug-in with a server for many purposes, including debugging and data traces.

14. In regard to claim 9, Ayers is applied as in claim 1. Storing the data in a server during a data trace is inherent to any data trace system on a computer. It is not explicitly taught in Ayers that data is stored in a directory; however, storing data in a directory has been a common practice in computing since the advent of UNIX file directories. Therefore it would have been obvious to one of ordinary skill in the art to store many types of data in a directory in the Ayers invention.

15. In regard to claim 10, Ayers is applied as in claim 9. Retrieving data to the data trace system (*request player and graphical display*) is inherent to the Ayers system.

16. In regard to claim 11, Ayers is applied as in claim 1. Ayers further teaches that a certain number of requests can be simulated (*reprocessed*) in a predetermined sequence. Simulating instruction steps in

a data trace program inherently teaches that a certain number of requests are run in a predetermined sequence.

17. In regard to claim 12, Ayers is applied as in claim 1. The Ayers system has already been shown to provide a graphical display and to manage the collected data in the rejection to claim 1.

18. In regard to claim 13, Ayers is applied as in claim 11. Ayers teaches a data trace, which fits the requirements of an *integrated development environment for a web application.*

19. In regard to claim 14, Ayers is applied as in claim 1. Client server computing has existed for decades. Ayers does not explicitly teach that the Ayers invention runs on a client; however, it would be obvious to one of ordinary skill in the art to implement the Ayers invention on any machine in a network, including a client.

20. In regard to claim 15, Ayers is applied as in claim 1. Ayers further discloses *means for notifying the graphical display when new data is collected by the data collector.* Ayers shows a data trace that would collect data upon a crash (column 2, lines 14-22), which would be *means for notifying the graphical display when new data is collected by the data collector.*

21. In regard to claim 16, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rejection against claim 1 is applied to claim 16.

22. In regard to claim 17, the limitations of this claim are substantially the same as the limitations of claim 2. Therefore the rejection against claim 2 is applied to claim 17.

23. In regard to claim 18, the limitations of this claim are substantially the same as the limitations of claim 3. Therefore the rejection against claim 3 is applied to claim 18.

24. In regard to claim 19, the limitations of this claim are substantially the same as the limitations of claim 4. Therefore the rejection against claim 4 is applied to claim 19.

25. In regard to claim 20, the limitations of this claim are substantially the same as the limitations of claim 5. Therefore the rejection against claim 5 is applied to claim 20.

26. In regard to claim 21, Ayers is applied as in claim 16. Ayers disclose a graphical display, but fails to disclose that the application which spawns the graphical display is spawned in a separate process. Spawning applications in separate processes is a long standing technique in computer science, and

spawning an application in a separate process on a server for any purpose would have been obvious to one of ordinary skill in the art at the time of the invention.

27. In regard to claim 22, Ayers is applied as in claim 21. Ayers teaches a data trace, which fits the requirements of an *integrated development environment for a web application*.

28. In regard to claim 23, Ayers is applied as in claim 22. Ayers fails to disclose accessing the client through the server and an IDE, but accessing a client through a server is basic client-server computing, which has existed in the networking art for decades. It would have been obvious to one of ordinary skill in the art to access a client from a server by any means at the time of the invention because of the long standing client-server techniques in place at the time of the invention.

29. In regard to claims 24-25, Ayers is applied as in claim 21. The limitations of these claims are substantially the same as the limitations of claim 15; therefore the rejection against claim 15 is applied to claims 24-25. An internal server is inherent to the Ayers invention to perform the functions as requested for the data trace and updating the data on the graphical display.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nouri et al.	U.S. Patent No. 6,330,690
Beranek	U.S. Patent No. 6,886,013
Chandy et al.	U.S. Patent No. 6,898,791
Scholl et al.	U.S. Patent No. 5,742,762
Adunuthula et al.	U.S. Patent No. 6,026,404
House et al.	U.S. Patent No. 6,202,200
Humphreys et al.	U.S. Patent No. 6,151,701
House et al.	U.S. Patent No. 6,119,247
Dodrill et al.	U.S. Patent No. 6,697,964
Agranat et al.	U.S. Patent No. 6,456,308
Scholl et al.	U.S. Patent No. 6,145,001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRS

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER